

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Aviad Zlotnick

Application No.: 09/616,977

Confirmation No.: 7345

Filed: July 14, 2000

Art Unit: 2178

For: DIRECTOR SERVICE FOR FORM
PROCESSING

Examiner: K. R. Stork

REPLY BRIEF TO EXAMINER'S ANSWER

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As required under § 41.41(a), this reply brief is filed within two months of the Examiner's Answer.

The fees required under § 41.47(b) are dealt with in the accompanying Request for Oral Hearing.

In response to the Examiner's Answer, dated October 30, 2007, Appellant respectfully submits the following remarks.

In the Appeal Brief, Appellant pointed out that the grounds of rejection of the claims in this case are based not on actual evidence in the cited art, but rather on unsupported conclusory

statements, derived from the Examiner's own suppositions as to the state of the art in July, 2000, when this application was filed. In the Examiner's Answer, in response to Appellant's arguments, the Examiner has done no more than to restate and expand on these suppositions, without filling in any of the evidentiary gaps.

In **claims 1, 19 and 35**, images of fields that are received from a client over a network are coded and checked, and the checked, coded information is then returned to the client over the network. Payment is received from the client according to the number of fields processed. Appellant pointed out during prosecution and in the Appeal Brief that the cited art fails to teach or suggest this sort of network-based service generally, and that it specifically fails to teach or suggest the notion of payment according to the number of fields processed.

In the Examiner's Response to Argument (page 10 in the Examiner's Answer), the Examiner has finally acknowledged that that the cited references (Lorie and Jansen) teach only receiving payment for service per unit of time, and not by number of fields processed, i.e., there is no teaching in the cited art of the mode of payment recited in the claims. The only "evidence" that the Examiner has brought in order to compensate for this lacuna in the prior art is his own assertions that "many different units of service" were known in the art. The Examiner goes on to state that "it was common to pay ISPs for the amount of bandwidth used above a certain threshold," and that the difference between this payment model and paying according to number of fields processed is minimal. These assertions as to the content of the prior art are based, evidently, on the Examiner's personal recollection of the state of the art in July, 2000, and they are made for the first time in the Examiner's Answer, without documentary support or other objective substantiation. Therefore, the Examiner's arguments on this score should be rejected out of hand.

Furthermore, even if it were conceded, for the sake of argument, that the Examiner's memories are correct, he has still provided no rational underpinning for the key point in his argument: that the prior art suggests the claimed basis for payment because "the difference between charging a price based upon a number of fields processed and charging a price based upon an amount of services rendered, such as bandwidth access, is minimal" (page 11, first paragraph, in the Examiner's Answer). This statement is simply incorrect. Each mode of payment has its own

unique features and advantages. A user paying for bandwidth access according to the model cited by the Examiner pays a fixed amount regardless of actual bandwidth use, up to a certain threshold, and then pays some premium when the threshold is exceeded. A user paying for fields processed pays exactly for the amount of service received, in units of the actual result of the service. Although it was clearly known in the art to pay for goods on this basis, the notion of paying for an on-line coding and verification service in this manner was new and non-obvious at the time this application was filed, and the Examiner has brought no evidence of any substance to the contrary.

Furthermore, the cited art fails to teach or suggest the broad idea of providing a network-based coding and checking service as recited in the claims. Lorie describes no more than a conventional, integrated model of document processing, in which images are received and information is coded and checked locally (col. 1, line 16 – col. 2, line 9, and Fig. 1, cited by the Examiner). As Appellant explained in the Appeal Brief, there is nothing in the cited art that would have led the person of ordinary skill in the relevant art to transform the conventional, integrated model described by Lorie into the type of network-based service recited in claims 1, 19 and 35.

In response to this point, the Examiner maintained (first paragraph on page 12 in the Examiner's Answer) that "Lorie clearly states that the program based upon the method may be performed in a transmitting/receiving environment including the Internet or other communication networks," citing col. 8, lines 55-63. In fact, the cited passage, which the Examiner copied into the Answer, says nothing of the sort. As explained in the Appeal brief, this passage is no more than a boilerplate recitation that Lorie's invention may be embodied in a computer program product in a computer-readable medium, and that such media may include a transmitting/receiving medium. From the point of view of the person of ordinary skill in the art, Lorie suggests only that a program for implementing his invention may be downloaded from a network to the computer that will execute the program. The cited art does not teach or suggest a service in which images and coded data are exchanged over a network between a client and a server, and the Examiner has not articulated any sort of rational underpinning for his conclusory statement to the contrary.

In **claims 12, 30 and 37**, a directory of data relating to a predefined domain is generated (or defined) by selecting data specific to the domain from one or more general databases. This

directory is then used in checking information that is filled into fields on forms and is received over a network. The Examiner has taken the position that defining a directory in this way is disclosed by DiPiazza in col. 3, line 36 – col. 4, line 23, and in col. 1, lines 7-14. These passages make reference to “rule bases” of rules, wherein different rule bases are applied to different context types.

In the Examiner’s Answer, the Examiner stated (page 12, second paragraph) that Appellant’s argument in regard to claims 12, 30 and 37 is “based upon a belief that the prior art fails to teach using a domain-specific directory.” This statement is correct, but not complete. The present claims explicitly recite checking whether information is correct by looking up the information in a domain-specific directory. Appellant pointed out in the Appeal Brief that DiPiazza does teach a “database enhancement module” that is used for information lookup, but this element is separate and distinct from the rule base (see col. 8, line 51 – col. 9, line 28, for example). As DiPiazza himself describes his database enhancement module, it contains only general data, not domain-specific data. On the other hand, DiPiazza’s rule bases may be context-specific, but they are not used for information lookup.

Furthermore, the present claims recite not only the use of a domain-specific directory, but also that the directory is defined by selecting data specific to the domain from one or more general databases, i.e., going from the general to the specific. DiPiazza builds his rule bases on the opposite model: by learning based on processing of documents of the specific context type, as shown in Figs. 3 and 4. The Examiner has failed to point to any support in the cited art for his assertions that “the rule bases are stored within a general database....” and that “rule bases are applied to the general database to segment the database into a plurality of user selectable context types.” In fact, these assertions have no support at all in the cited art. They are, again, no more than conclusory statements by the Examiner, without rational underpinning.

Dependent claims 6 and 24 recite that the images received from the client via the network are images of characters filled into the fields delineated by a template after drop-out of the template. In the Examiner’s Answer (page 13, second paragraph), the Examiner averred that Appellant had argued with respect to these claims that the prior art fails to teach dropping out of the template. Again, this is an incomplete statement of Appellant’s arguments (although the art cited by

the Examiner really does not say anything about template drop-out). The Examiner failed to relate to the main point made regarding these claims in the Appeal Brief: There is nothing in the prior art that would have led the person of ordinary skill to split the processing function as recited in the claims so that the initial, less specialized step of template drop-out is performed even before the field images are transmitted over the network for more specialized coding and checking.

For the foregoing reasons, Appellant reiterates that the Examiner's rejection of claims 1, 4-19 and 22-37 was erroneous. Reversal of his decision is respectfully requested.

Dated: June 27, 2007

Respectfully submitted,

By

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